

VZCZCXRO8343
PP RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR
DE RUEHSQ #0152/01 0461512
ZNY CCCCC ZZH
P 151512Z FEB 06
FM AMEMBASSY SKOPJE
TO RUEHC/SECSTATE WASHDC PRIORITY 4244
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEAIIA/CIA WASHINGTON DC
RUEKDIA/DIA WASHINGTON DC
RUEKJCS/SECDEF WASHINGTON DC
RUESEN/SKOPJE BETA
RUEHSQ/USDAO SKOPJE MK
RHEHNSC/WHITE HOUSE NATIONAL SECURITY COUNCIL

C O N F I D E N T I A L SECTION 01 OF 02 SKOPJE 000152

SIPDIS

SIPDIS

DEPT FOR EUR/SCE, S/WCI
THE HAGUE FOR LEGAL COUNSELOR

E.O. 12958: DECL: 02/15/2016

TAGS: [PGOV](#) [ICTY](#) [MK](#)

SUBJECT: MACEDONIA: FURTHER REACTION TO GOVERNMENT REQUEST
FOR RETURN OF ICTY CASES

REF: SKOPJE 132

Classified By: Poloff Andrew Vaden for reasons 1.4 (b) and (d)

¶1. (C) Summary: Although ethnic Albanian parties have publicly objected to the Macedonian government's decision to "continue preparations" for the return of four unindicted war crimes cases to domestic jurisdiction (reftel), key leaders in coalition partner DUI privately tell us the party did not oppose the government move. The government plans to send a delegation to The Hague on February 16 to request that ICTY return the cases "by the end of this year," a deliberately ambiguous formulation meant to satisfy ethnic Macedonian demands for visible progress on the issue while still preserving senior coalition party SDSM's working relations with DUI. End Summary.

DUI QUIETLY ACQUIESCES IN DECISION TO ASK FOR CASES' RETURN

¶2. (SBU) Former leaders of the 2001 insurgency, now in government as the ethnic Albanian Democratic Union for Integration (DUI), argue that a 2001 agreement with NATO, as well as Macedonia's 2002 Amnesty Law, preclude the return to domestic jurisdiction of four unindicted ICTY cases involving alleged participation by ethnic Albanians in war crimes. DUI President Ali Ahmeti told a Macedonian-language daily on February 9 that processing the cases in domestic courts would "destabilize Macedonia" and endanger ethnic reconciliation in the country, adding that only ICTY is competent to try the cases. DUI General Secretary Gzim Ostreni told EUSR representatives a day later that the return of cases was unacceptable and could present the country with new security threats.

¶3. (C) In private, however, senior DUI officials emphasize that they are "not worried" about the government's February 9 decision to ask for a return of the cases (reftel). DUI Vice President Teuta Arifi, who enjoys Ahmeti's confidence, privately told Poloff in a February 10 meeting that DUI ministers had not opposed the decision to send a GOM delegation to The Hague to discuss the modalities of the return with ICTY counterparts. She said she was confident the ICTY would not return the cases before this summer's parliamentary elections. In a meeting the same day, DUI Secretary for Foreign Affairs and Ahmeti confidante Agron

SIPDIS

Buxhaku recalled the 2001 agreement with NATO, saying that

DUI "kept (its) part of the deal" by surrendering its arms to NATO and engaging in the Macedonian political system. He emphasized, however, that he was not concerned by the government's decision, and that he understood PM Buckovski's need to play to his and the SDSM's ethnic Macedonian electorate in the run-up to parliamentary elections this year.

PM EXPLAINS HIS STRATEGY; PRESIDENT SUPPORTS CASES' RETURN

14. (C) Prime Minister Buckovski told the EU Special Representative on February 10 that the government's decision to ask for the cases "by the end of this year" was deliberately ambiguous. Ethnic Macedonians would understand that the cases finally were coming back for possible prosecution, answering past criticism that only ethnic Macedonians -- such as former Interior Minister Boskovski, currently facing a war crimes trial in The Hague -- had been called to account for their participation in the 2001 conflict. DUI would receive some satisfaction from the private knowledge that the first of the cases would probably not be returned until late 2006, and that the primary defendant in that case likely would be former NLA commander Daut Rexhepi (also known as Commander Leka), who is currently associated with rival ethnic Albanian party DPA.

15. (C) President Crvenkovski joined the debate on February 10, issuing a statement expressing confidence in the Macedonian judiciary's readiness to address the four cases from ICTY. His rejection of the argument that further judicial reforms are necessary before the cases can be tried echoed similar remarks from Justice Minister Mladenovska earlier in the month. The largest opposition party in Parliament, VMRO-Narodna, criticized PM Buckovski's

SKOPJE 00000152 002 OF 002

government for undertaking only half-measures to secure the return of cases due to the influence of coalition partner DUI. However, VMRO-Narodna's informal leader, former PM Ljupco Georgievski, told us February 9 that the best solution would be for the cases to remain in The Hague, and for ex-MOI Boskovski to then be allowed to prepare his defense in Macedonia under a conditional release program.

COMMENT: DUI'S MOTIVATION, AND STRATEGY, UNCLEAR

16. (C) It is not yet clear whether DUI leaders acquiesced in the government's decision due to a pragmatic understanding that the cases must someday be returned from The Hague, or due to a misguided belief that the international community -- which they believe promised former NLA leaders an amnesty in 2001 in exchange for laying down their weapons -- would prevent The Hague from returning the cases. While we have no information to show this, we also cannot exclude the possibility that DUI and PM Buckovski have reached a deal to move forward only on investigations that do not involve current DUI leaders. The Macedonian delegation's trip to The Hague, now reportedly scheduled for February 16, may help clarify DUI's -- and the government's -- position.
MILOVANOVIC